



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Authorize City Manager to Execute Indemnity Agreement with GREM and Caltrans in Connection with the Lowe's Project on Kettleman Lane.

MEETING DATE: July 18, 2007 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council Authorize City Manager to Execute Indemnity Agreement with GREM and Caltrans in connection with the Lowe's Project on Kettleman Lane.

BACKGROUND INFORMATION: The Lowe's project required an expansion of the Caltrans right-of-way on Kettleman Lane. Under a new Caltrans policy, parties who dedicate rights-of-way to Caltrans must agree to indemnify Caltrans for any environmental contamination on the soil at the time of the dedication. GREM dedicated the right-of-way to the City early on in the project and Council authorized staff to dedicate the property to Caltrans in Resolution 2004-193 on September 15, 2004. Because the City is making the dedication, the City Attorney's office recommended that the City seek an equal indemnity obligation from GREM prior to agreeing to indemnify Caltrans. GREM has agreed as indicated in the attached Indemnity Agreement. Accordingly, the City Attorneys office recommends that the City Council authorize the City Manager to accept the Indemnity Agreement and execute an agreement agreeing to indemnify Caltrans for environmental liabilities that existed on the site at the time of the dedication.

FISCAL IMPACT: None because the City will be entitled to indemnity from GREM if the Caltrans indemnity is ever triggered.

D. Stephen Schwabauer
City Attorney

APPROVED:

Blair King, City Manager

INDEMNITY AGREEMENT

THIS INDEMNITY AGREEMENT (the "Agreement") is entered into as of _____ by and among the CITY OF LODI, a municipal corporation, ("Lodi"), GREM (insert appropriate entity and corporate form) ("Developer"), (collectively referred to hereinafter as "the Parties").

RECITALS

1. As a condition of securing the right to develop a commercial center known as Vintner's Square in Lodi California ("Project"), GREM was required to dedicate rights of way to The California Department of Transportation ("Cal Trans"). The Rights of way are depicted in Exhibit A, B and C attached hereto. ("Property")

2. As an accommodation to Developer, the ~~C~~ *i* acted as a conduit for the dedication by accepting the dedication from Developer and now seeks to dedicate the Property to Cal Trans.

3. Cal Trans required that the City provide indemnity to Cal Trans in connection with the dedication in the form attached hereto as Exhibits D, ("Indemnity Agreement").

4. The City is only willing to provide that indemnity if Developer agrees to indemnify the City if it is ever called upon to perform on the Indemnity Agreement.

NOW THEREFORE, IT ~~IS~~ HEREBY AGREED BY AND AMONG THE PARTIES AS FOLLOWS:

1. Indemnity. Developer agrees to indemnify, defend and hold harmless City, and its elected and appointed councils, boards, commissions, officers, agents, employees, and representatives from any and all claims, costs (including legal fees and costs) and liability arising out of or related to hazardous materials that are alleged to exist or actually exist on the Property as of the date the Property was dedicated to the ~~City~~

2. Authority. Each individual executing this Agreement on behalf of an entity represents and warrants that he or she is a duly authorized representative of that entity with full power and authority to bind the entity to each term and condition hereof.

3. Further Acts. Each of the Parties hereto agrees to cooperate and to use best efforts to take all actions necessary to effectuate all of the terms and conditions of this Agreement.

4. Attorneys' Fees. In the event that any legal action is necessary to enforce or interpret any provision of this Agreement, the prevailing Party in such action shall recover its costs and reasonable attorneys' fees.

5. Miscellaneous.

a. Successors. This Agreement shall bind ~~the~~ successors and assigns of each of the Parties hereto.

b. Parties Represented. Each Party to this Agreement has been represented and advised by counsel in connection with ~~the~~ negotiation and

preparatiin hereof, and each shall be ~~deemed~~ its author for purposes of the Agreement's construction.

c. Integrated Writing. ~~This~~ Agreement constitutes the whole and only existing and binding agreement ~~between~~ the Parties hereto on ~~the~~ subject matter hereof, superseding all prior understandings, whether written or oral. Other than the representations expressly stated as such in this Agreement, there are no warranties, promises or representations ~~of~~ any kind, express or implied, upon which either Party has relied in entering into ~~this~~ Agreement, or as to the future relations or dealings ~~of the~~ Parties.

d. Amendments. This Agreement may be modified or amended only by a writing ~~signed~~ by the ~~Party~~ to be charged.

e. No Waiver. The waiver by any Party hereto ~~of~~ any right, privilege, covenant or condition hereunder will not operate as or indicate a continuing waiver ~~of~~ the same or any other right, privilege, covenant or condition hereunder.

CITY OF LODI, a Municipal Corporation

GREM , Developer

Blair King
City Manager



Daryl Geweke
President

Attest:

Randi Johl
city Clerk

Approved as to Form and Content:

D. Stephen Schwabauer, C i Attorney

RECEIVED

NOV 09 2004

DOC # 2004-246025

10/29/2004 09:50A Fee:NC

Page 1 of 4

Recorded in Official Records

County of San Joaquin

GARY W. FREEMAN

Assessor-Recorder-County Clerk

Paid by SHOWN ON DOCUMENT SHOWN ON



WHEN RECORDED MAIL TAX
STATEMENT AND RECORDED
DOCUMENT TO

CITY CLERK
CITY OF LODI
P. O. BOX 3008
LODI, CALIFORNIA 95241-1910

City Clerk
City of Lodi

PARCEL 12

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

325

THE GEWEKE FAMILY PARTNERSHIP,

a California Limited Partnership

do hereby GRANT in fee simple absolute to the CITY OF LODI, a municipal corporation of the State of California, all that real property situate in the County of San Joaquin, State of California, described as follows:

SEE EXHIBIT "A"

The Geweke Family Partnership

BY:

Dated:

10-1-04

Gary Geweke
President, Geweke Investment
General Partner

This document MUST be notarized. Please attach proper notarial acknowledgment.

Description approved:

Date:

Exhibit "A"
Right of Way

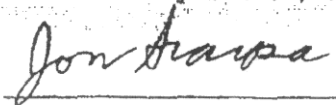
APN 027-420-012

3252

All of Parcel 12 of Parcel Map of Vinter's Square, according to the Official Map thereof filed in Book 22 of Parcel Maps, Page 176, San Joaquin County Records, located in Section 10, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, City of Lodi, San Joaquin County, California.

Containing 0.46 acres, more or less.

This real property description has been prepared at Mark Thomas & Company, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.



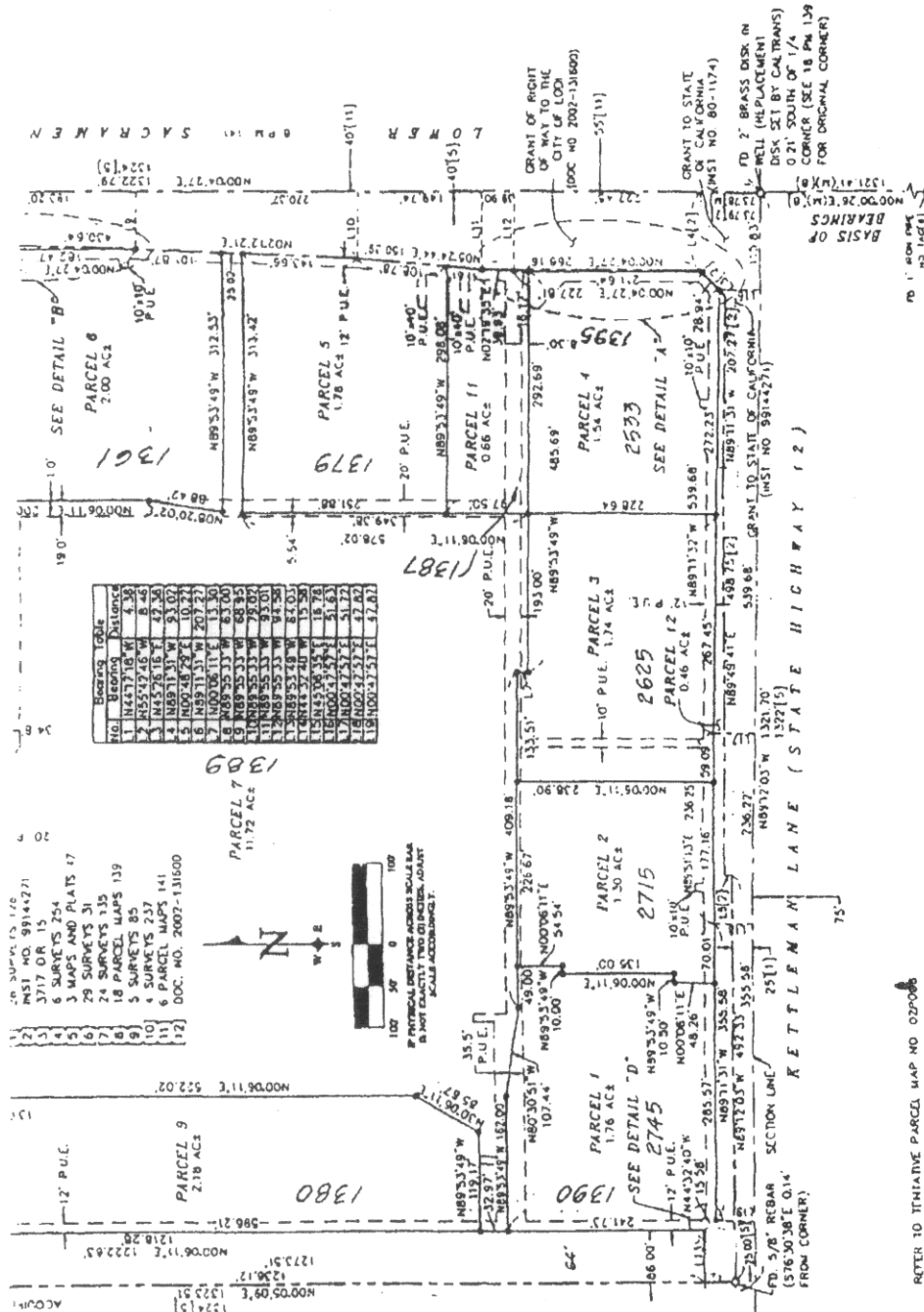
Jon Scarpa

September 13, 2004





EXHIBIT A



PROJECT: INITIATIVE PARCELS MAP NO 02P0008

WHEN RECORDED MAIL TAX
STATEMENT AND RECORDED
DOCUMENT TO

CITY CLERK
CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

RECEIVED

SEP 21 2005

CITY OF LODI

DOC # 2005-227608

09/12/2005 01:50P Fee:NC

Page 1 of 5

Recorded in Official Records

County of San Joaquin

GARY W. FREEMAN

Assessor-Recorder-County Clerk

Paid by SHOWN ON DOCUMENT



APN: 027-420-01
2749 West Kettleman Lane

GRANT DEED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

3296

THE GEWEKE FAMILY PARTNERSHIP,

a California Limited Partnership

do hereby GRANT in fee simple absolute to the CITY OF LODI, a municipal corporation of the State of California, all that real property situate in the City of Lodi, County of San Joaquin, State of California, described as follows

SEE EXHIBIT "A"

THE GEWEKE FAMILY PARTNERSHIP

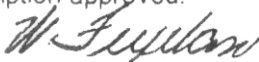
Dated: September 1, 2005



President Geweke Investment Inc,
General Partner Geweke Family
Partnership.

This document MUST be notarized Please attach proper notarial acknowledgment

Description approved:



Date

9-7-05

Exhibit "A"
Right of Way - State

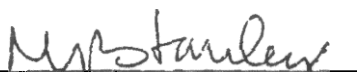
APN 027-420-001

That portion of Parcel 1 of Parcel Map of Vintner's Square, according to the Official Map thereof filed in Book 22 of Parcel Maps, Page 176, San Joaquin County Records, located in Section 10, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, City of Lodi, San Joaquin County, California, described as follows:

Commencing at the southwest corner of said Section 10; thence along the south line of said southwest ~~quarter~~ of said Section 10 South 89°21'31" East 402.831 meters (1321.62 feet) to the southerly projection of the west line of Parcel 12 of said Parcel Map of Vintner's Square; thence along said southerly projection, North 00°01'15" West 19.017 meters (62.39 feet) to the general northerly line of said Parcel 12; thence along said general northerly line, North 89°56'43" East 19.516 meters (61.03 feet) to the Point of Beginning at the westerly line of said Parcel 1; thence continuing North 89°56'43" East 2.258 meters (7.11 feet); thence South 51°31'34" East 7.649 meters (25.10 feet) to the southerly line of said Parcel 1; thence along said southerly line, the southwesterly line, and said westerly of Parcel 1 the following three (3) courses: 1) North 89°20'59" West 4.905 meters (16.09 feet), 2) North 44°42'08" West 1.716 meters (15.58 feet), 3) North 00°04'13" West 1.326 meters (1.35 feet) to the Point of Beginning, containing 19 square meters (**205 sq. ft.**), more or less.

The bearings and distances used in this description are based upon the California Coordinate System of 1983, Zone 3. Divide grid distances by 0.99995 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Co., Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.


Michael J. Stanley

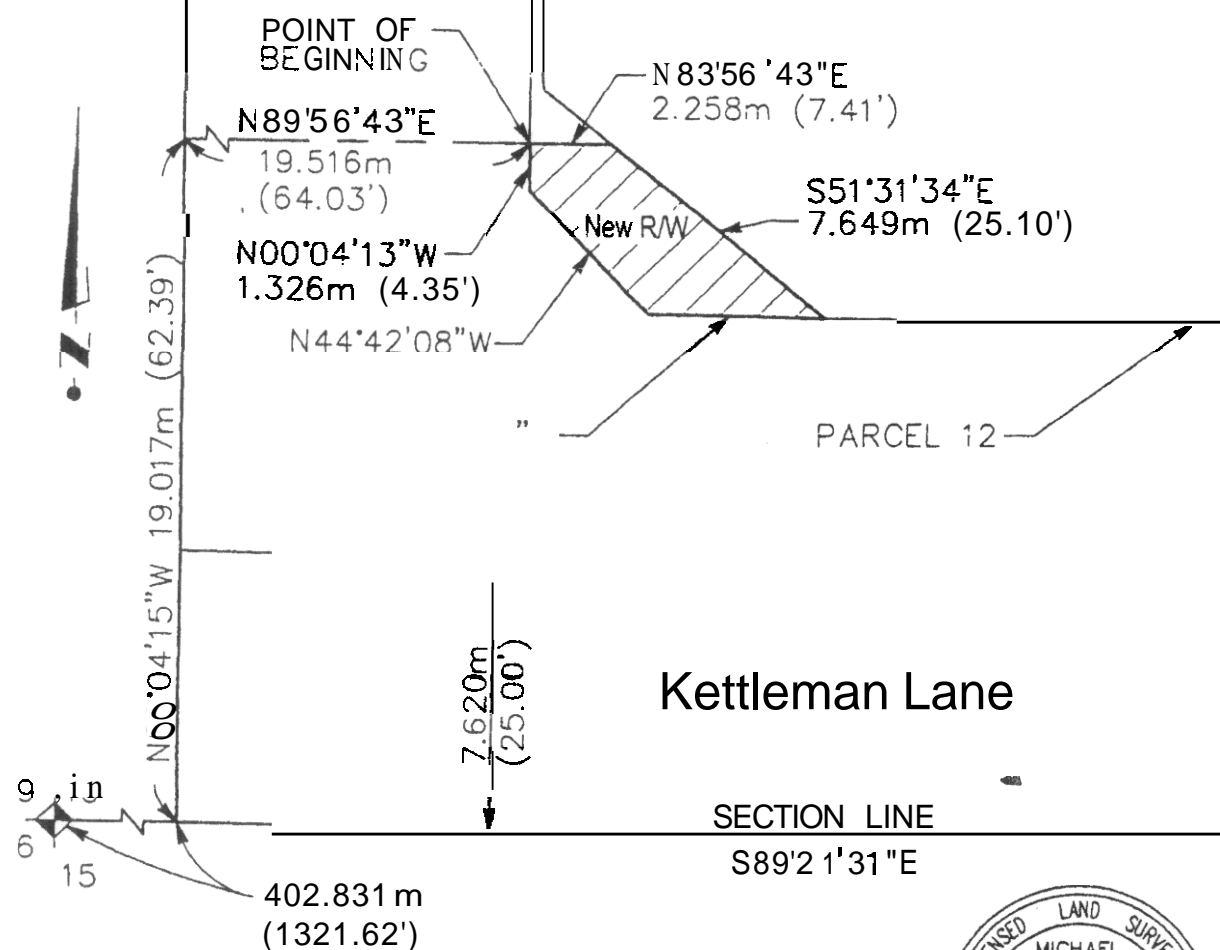


June 24, 2004

Bearings and distances are on the California Coordinate System of 1993, Zone 3. Divide distances by 0.99995 to get ground distances. Multiply meters by 3937/1200 to get U.S. Survey feet.

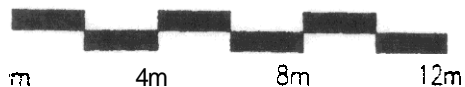
SEC. 10
T. 3 N., R. 6 E., M.D.B. & M.
City of ~~Lodi~~
San Joaquin County, California

PARCEL 1
PM 22-176
APN 027-420-001



Areas

TOTAL PARCEL 0.71± ha (1.76± ac)
NEW R/W 19± s.m. (205± s.f.)



DATE: 06/24/2004

SCALE: 1:20

027-050-23.DWG

SHEET 1 OF 1

EXHIBIT "B"
APN 027-420-001
GEWEKE FAMILY PARTNERSHIP

CITY OF LODI

Prepared by:
Mark Thomas & Company, Inc.

EXHIBIT C

MAR 31 2005

WHEN RECORDED MAIL TAX
STATEMENT AND RECORDED
DOCUMENT TO

CITY CLERK
CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

CITY OF LODI
GRANT DEED

DOC # 2005-066174

03/22/2005 09:13A Fee:NC

Page 1 of 4

Recorded in Official Records
County of San Joaquin

GARY W. FREEMAN
Assessor-Recorder-County Clerk
Paid by SHOWN ON DOCUMENT



APN 027-050-21
341 East State Rle 12

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

3280

THE GEWEKE FAMILY PARTNERSHIP,

a California Limited Partnership

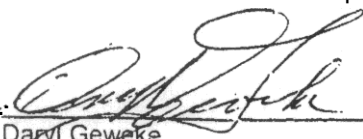
do hereby GRANT in fee simple absolute to the CITY OF LODI, a municipal corporation of the State of California, all that real property situate in the County of San Joaquin, State of California described as follows

SEE EXHIBIT "A"

The Geweke Family Partnership,
a California Limited Partnership

BY:

Dated: 3/17/05


Daryl Geweke
President, Geweke Investment Inc
General Partner

This document MUST be notarized. Please attach proper notarial acknowledgment.

Description approved:

Date:

Exhibit "A"

APN 027-050-21

That portion of Lot 11 of the Taylor Tract as shown on Volume 3 of Maps. Page 47, San Joaquin County Records, located in Section 10, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, San Joaquin County, California, described as follows:

325


Right of Way

Commencing at the southwest corner of said Section 10; thence along the south line of said Section 10, South $89^{\circ}21'31''$ East 317.180 meters (1040.61 feet) to the southwest corner of the property described in the property to the Mexican-American Catholic Federation of Lodi, recorded June 15, 1973, in Book 3772, Page 413, Official Records of San Joaquin County; thence along the west line of said property, North $00^{\circ}04'18''$ West 7.620 meters (25.00 feet) to the Point of Beginning at the northerly right of way line of Kettleman Lane; thence continuing along said west line, North $00^{\circ}04'18''$ West 6.989 meters (22.93 feet); thence South $89^{\circ}20'59''$ East 75.359 meters (247.24 feet); thence North $45^{\circ}17'52''$ East 4.805 meters (15.76 feet); thence North $00^{\circ}04'14''$ West 0.920 meters (3.02 feet); thence North $89^{\circ}56'43''$ East 6.872 meters (22.55 feet) to the east line of said Mexican-American Catholic Federation of Lodi property; thence along said east line, South $00^{\circ}04'15''$ East 11.399 meters (37.40 feet) to said northerly right of way line of Kettleman Lane; thence along said northerly right of way line, North $89^{\circ}21'31''$ West 85.651 meters (281.01 feet) to the Point of Beginning,

containing 634 square meters (6,824 square feet), more or less

The bearings and distances used in this description are based upon the California Coordinate System of 1983, Zone 3. Divide grid distances by 0.99995 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company, Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.


Michael J. Stanley



June 22, 2004

Bearings and distances are on the California Coordinate System of 1983, Zone 3. Divide distances by 0.99995 to get ground distances. Multiply meters by 3937/1200 to get U.S. Survey feet.

SEC. 10
T. 3 N., R. 6 E., M.D.B. & M.
San Joaquin County, California

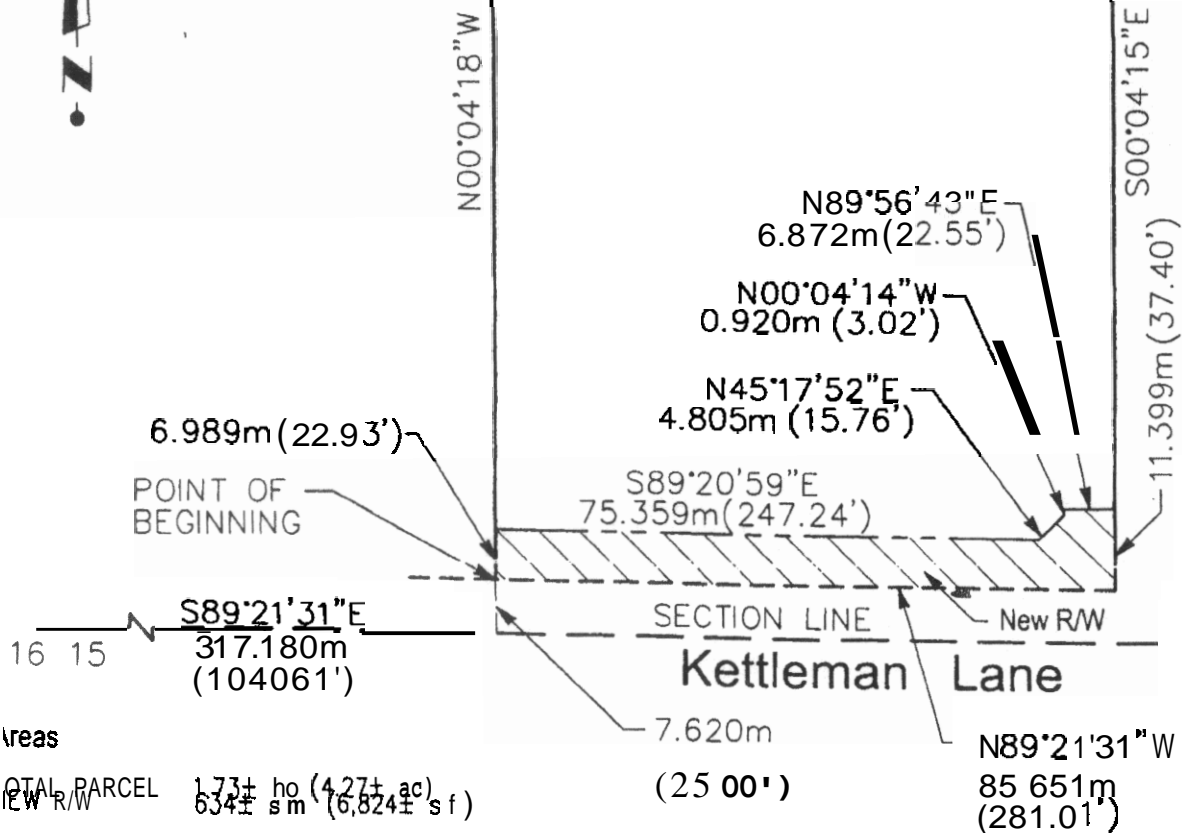
3230



Michael Stanley



APN 027-050-21



Areas

TOTAL PARCEL 1.73± ac (4.27± sf)
NEW R/W 634± sm (6,824± sf)



| | | |
|------------------|--|-----------------------------|
| DATE: 06/23/2004 | EXHIBIT "B" APN 027-050-21 Mexican-American Catholic Federation of Lodi | CITY OF LODI |
| SCALE: 1:1000 | | |
| 027-050-21.0WG | | Prepared by: |
| SHEET 1 OF 1 | | Mark Thomas & Company, Inc. |

EXHIBIT D

Attachment A (CORPORATION)

The Grantor(s) hereby represents and warrants that during the period of Grantor(s)' ownership of that real property being dedicated to the California Department of Transportation as Parcels 15552-1, 15553-1, 15554-1, 15748-1 & 15749-1, there have been no disposals, releases or threatened releases of hazardous substances or hazardous waste on, from or under said real property.

Grantor(s) further represents and warrants that Grantor(s) have no knowledge of any disposal, release or threatened release of hazardous substances or hazardous waste on, from or under said **real** property which may have occurred prior to Grantor(s) taking title to said real property.

Grantor(s) agree that should said real property dedicated to the California Department of Transportation as Parcels 15552-1, 15553-1, 15554-1, 15748-1 & 15749-1, be found to be contaminated by the presence of hazardous substances or hazardous waste (i.e. asbestos, lead, hydrocarbons, volatile and semivolatile organics, pesticides etc.) which requires mitigation under Federal or State Law, the State may elect to recover its clean-up costs from those who caused, contributed or who knowingly failed to report the presence of contamination.

IN WITNESS WHEREOF, said corporation has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto, this _____ day of _____, 20____

By _____

By _____

[CORPORATE SEAL]

STATE OF CALIFORNIA

county of _____

} ss .

PERSONAL ACKNOWLEDGMENT

On this the _____ day of _____, 20____, before me, _____

_____.

Name, Title of Officer-E.G., Jane Doe, Notary Public.

personally appeared _____

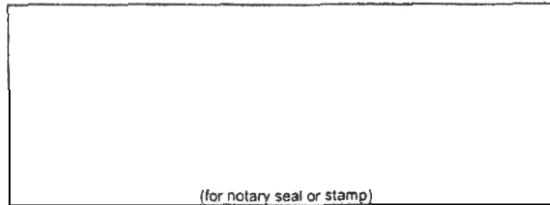
_____.

Name(s) of Signer(s)

- ☐ personally known to me
☐ proved to me on the basis of Satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



(Notary Public's signature in and for said County and State)

(for notary seal or stamp)

RECORDING REQUESTED BY:

STATE OF CALIFORNIA

When Recorded Mail to:
Department of Transportation
District 10
P.O. Box **2048**
Stockton, California 95201
Attn: Right of Ways

Space above this line for Recorder's Use

GRANT DEED

CORPORATION
(DEDICATION)

Portion of A.P.N. 027-050-021, 027-420-001, 058-030-008, 058-030-010;
ALL OF A.P.N. 027-420-012

| District | County | Route | Post | Number |
|----------|--------|-------|--------------------|---|
| 10 | SJ | 12 | PM 15.1 KP 24.3 | 15552-1, 15553-1, 15554-1, 15748-1, 15749-1 |

CITY OF LODI: A MUNICIPAL CORPORATION OF THE STATE OF CALIFORNIA

GRANTS to the **STATE OF CALIFORNIA**, all that real property in the Unincorporated area of the County of San Joaquin, State of California, as to Parcel 15552-1; and all that property in the City of Lodi, County of San Joaquin, State of California, as to Parcels 15553-1, 15554-1, 15748-1 & 15749-1; described as:

SEE

ATTACHED

DESCRIPTION

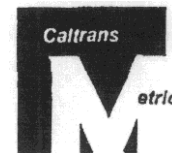


Exhibit "A"

State Parcel 15748-1 (Portion of APN 058-030-10):

That portion of the North half of the Northwest one-quarter, Section 15, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, San Joaquin County, California, described as follows:

Commencing at the northwest corner of said Section 15; thence along the north line of said northwest quarter of said Section 15 South 89°21'31" East 402.831 meters (1321.62 feet) to the southerly projection of the west line of Lot 10 of the Taylor Tract as shown on the map filed in Volume 3 of Maps and Plats, Page 47, San Joaquin County Records; thence along said southerly projection South 00°04'15" East 22.862 meters (75.01 feet) to the **Point of Beginning** at the northeast corner of the property described in the Grant Deed to the City of Lodi, recorded August 12, 2003, in Document Number 2003-181033, Official Records of San Joaquin County; thence along the easterly line of said City of Lodi property South 00°09'02" East 15.241 meters (50.00 feet); thence North 89°21'31" West 6.706 meters (22.00 feet); thence North 00°09'02" West 15.241 meters (50.00 feet) to said southerly line of Kettleman Lane; thence along said southerly line South 89°21'31" East 6.706 meters (22.00 feet) to the **Point of Beginning**, containing 102 square meters (1,098 square feet), more or less.

TOGETHER WITH the underlying fee interest, if any, in and to the adjoining public way.

State Parcel 15554-1 (Portion of APN 058-030-08):

That portion of the north half of the northwest quarter of Section 15, Township 3 North, Range 6 East, Mount Diablo Meridian, City of Lodi, San Joaquin County, California, described as follows:

Commencing at the northwest corner of said Section 15; thence along the north line of said northwest quarter of said Section 15 South 89°21'31" East 402.831 meters (1321.62 feet) to the southerly projection of the west line of Lot 10 of the Taylor Tract as shown on the map filed in Volume 3 of Maps and Plats, Page 47, San Joaquin County Records; thence along said southerly projection South 00°04'15" East 22.862 meters (75.01 feet) to the **Point of Beginning** on the southerly line of the property described in the Grant Deed to the State of California recorded February 16, 1972 in **Book** 3620, Page 118, Official Records of San Joaquin County; thence along said southerly line South 89°21'31" East 30.788 meters (101.01 feet); thence South 00°09'02" East 2.900 meters (9.51 feet); thence South 45°17'24" West 10.694 meters (35.09 feet); thence South 00°09'02" East 4.732 meters (15.52 feet); thence North 89°21'31" West 23.167 meters (76.01 feet) to the westerly line of the property described in the Grant Deed to Lodi Southwest Associates recorded October 5, 2001 as Document No. 01 163354. Official Records of San Joaquin

County; thence along said westerly line North 00°09'02" West 15.241 meters(50.00 feet) to the **Point of Beginning**, containing 404 square meters (4,349±sq. ft), more or less.

TOGETHER WITH the underlying fee interest, if any, in and to the adjoining public way.

State Parcel 15552-1 (Portion of APN 027-050-21):

That portion of Lot 11 of the Taylor Tract as shown on Volume 3 of Maps, Page 47, San Joaquin County Records, located in Section 10, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, San Joaquin County, California, described as follows:

Commencing at the southwest corner of said Section 10; thence along the south line of said Section 10, South 89°21'31" East 317.180 meters (1040.61 feet) to the southwest corner of the property described in the Grant Deed to the Mexican-American Catholic Federation of Lodi, recorded June 15, 1973, in **Book** 3772, Page 413, Official Records of San Joaquin County; thence along the west line of said Grant Deed, North 00°04'18" West 7.620 meters (25.00 feet) to the **Point of Beginning** at the northerly right of way line of Kettleman Lane; thence continuing along said west line, North 00°04'18" West 6.959 meters (22.93 feet); thence South 89°20'59" East 75.359 meters (247.24 feet); thence North 45°17'52" East 4.805 meters (15.76 feet); thence North 00°04'14" West 0.920 meters (3.02 feet); thence North 89°56'43" East 6.872 meters (22.55 feet) to the east line of said Grant Deed; thence along said east line, South 00°04'15" East 11.399 meters (37.40 feet) to said northerly right of way line of Kettleman Lane; thence along said northerly right of way line, North 89°21'31" West 85.651 meters (281.01 feet) to the **Point of Beginning**, containing 633 square meters (6,824 square feet), more or less.

TOGETHER WITH the underlying fee interest, if any, in and to the adjoining public way.

State Parcel 15553-1 (Portion of APN 027-420-01):

That portion of Parcel 1 of Parcel Map of Vintner's Square, according to the Official Map thereof tiled in **Book** 22 of Parcel Maps, Page 176, San Joaquin County Records, located in Section 10, Township 3 North, Range 6 East, Mount Diablo Base and Meridian, City of Lodi, San Joaquin County, California, described as follows:

Commencing at the southwest corner of said Section 10; thence along the south line of said southwest quarter of said Section 10 South 89°21'31" East 402.831 meters (1321.62 feet) to the southerly projection of the west line of Parcel 12 of said Parcel Map of Vintner's Square; thence along said southerly projection, North 00°04'15" West 19.017 meters (62.39 feet) to the general northerly line of said Parcel 12; thence along said general northerly line, North 89°56'43" East 19.516 meters (64.03 feet) to the **Point of Beginning** at the westerly line of said Parcel 1; thence continuing North 89°56'43" East

2.258 meters (7.41 feet); thence South $51^{\circ}31'34''$ East 7.649 meters (25.10 feet) to the southerly line of said Parcel 1; thence along said southerly line, the southwesterly line, and said westerly of Parcel 1 the following three (3) courses: 1) North $89^{\circ}20'59''$ West 4.905 meters (16.09 feet), 2) North $44^{\circ}42'08''$ West 4.748 meters (15.58 feet), 3) North $00^{\circ}04'13''$ West 1.326 meters (4.35 feet) to the Point **of Beginning**, containing 19 square meters (205 sq. ft), more or less.

TOGETHER WITH the underlying fee interest, if any, in and to the adjoining public way.

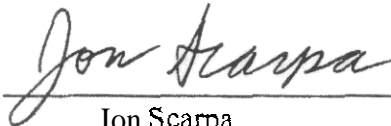
State Parcel **15749-1** (APN 027-420-12):

All of Parcel 12 of Parcel Map of Vinter's Square, according to the Official Map thereof tiled in Book 22 of Parcel Maps, Page 176, San Joaquin County Records, located in Section 10, Township 3 North, Range **6** East, Mount Diablo Base and Meridian, City of Lodi, San Joaquin County, California, containing 0.46 acres, more or less.

TOGETHER WITH the underlying fee interest, if any, in and to the adjoining public way.

The bearings and distances used in this description **are** based upon the California Coordinate System of 1983, Zone 3. Divide grid distances by 0.999952 to obtain ground level distances.

This real property description has been prepared at Mark Thomas & Company., Inc., by me or under my direction, in conformance with the Professional Land Surveyors Act.


Jon Scarpa

November 2, 2005



| Number |
|--------------------|
| 15552-1, 15553- |
| 1, 15554-1, 15748- |
| 1, 15749-1 |

The grantor further understands that the present intention of the grantee is to construct and maintain a public highway on the lands hereby conveyed in fee and the grantor, for the grantor and the grantor's successors and assigns, hereby waives any claims for any and all damages to grantor's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of said highway.

(As used above, the term "grantor" shall include the plural as well as the singular number.)

Dated this _____ day of _____, 20____
CITY OF LODI, A MUNICIPAL CORPORATION IN THE STATE OF CALIFORNIA

By: _____

(CORPORATE SEAL)

STATE OF CALIFORNIA } ss
 County of _____

PERSONAL ACKNOWLEDGMENT

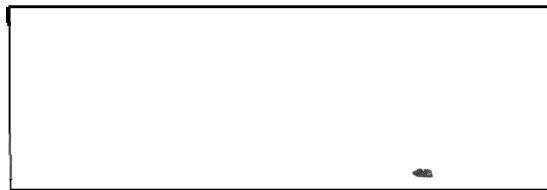
On this the _____ day of _____, 20____, before me, _____
 Name, Title of Officer-E.G., "Jane Doe, Notary Public.

penanally appeared _____
 Name(s) of Signer(s)

- ☐ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) _____ is/are subscribed to the within instrument and acknowledged to me that _____ he/she/they executed the same in _____ his/her/their authorized capacity(ies), and that by _____ his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which (he person(s) acted, executed the instrument.

WITNESS my hand and official seal



(for notary seal or stamp)

 (Notary Public's signature in and for said County and State)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

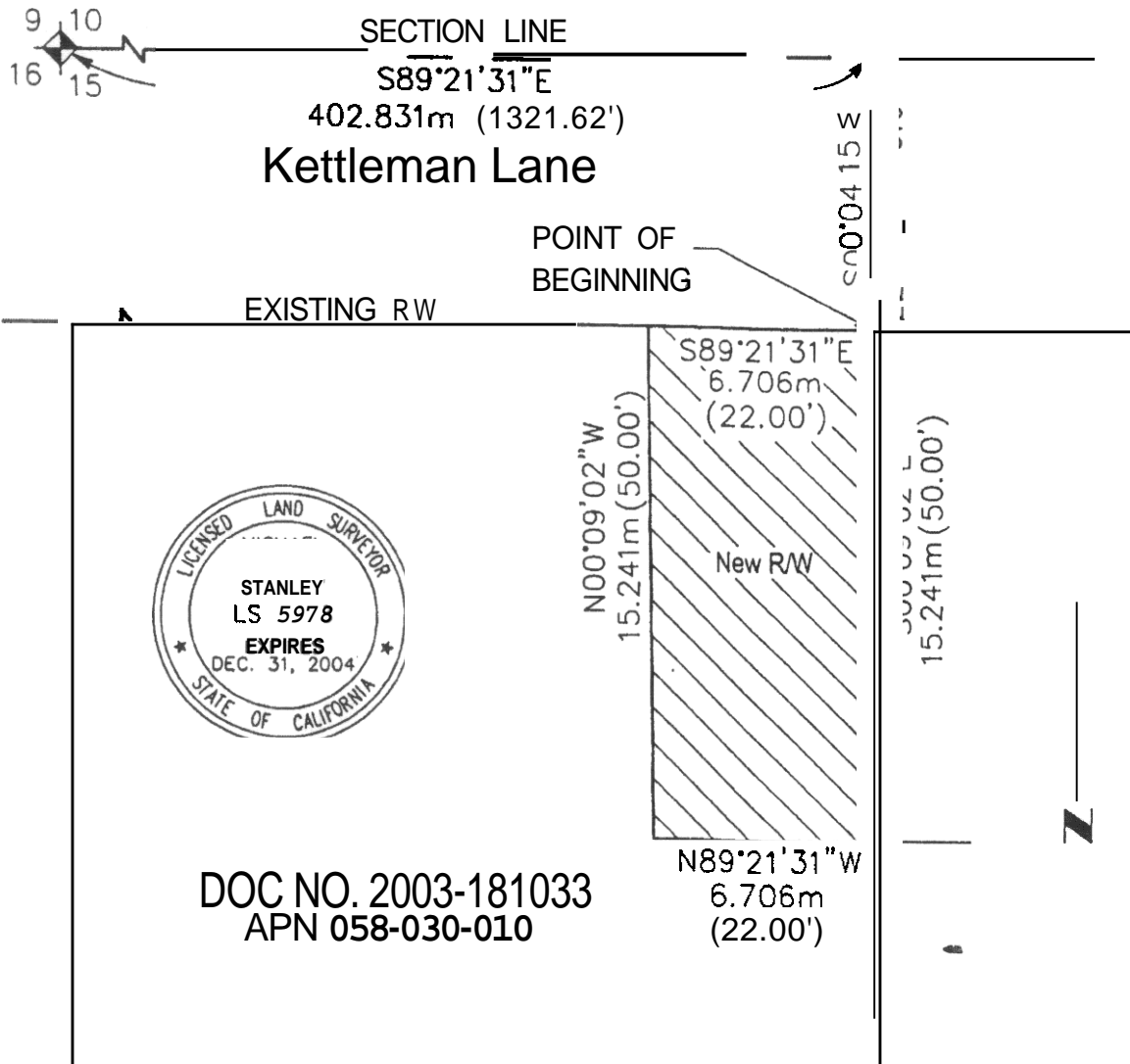
IN WITNESS WHEREOF, I have hereunto set my hand
 this _____ day of _____, 20____

 Director of Transportation

By _____
 Attorney in Fact

Measurements and distances are on the
 California Coordinate System of
 1983, Zone 3. Divide distances
 by 0.99995 to get ground distances.
 Multiply meters by 3937/1200
 to get U.S. Survey feet.

SEC. 15
 T. 3 N., R. 6 E., M.D.B. & M.
 San Joaquin County, California



Areas

TOTAL PARCEL 1.66± ha (4.10± ac)
 NEW RW 102± s.m. (1098± s.f.)



| | | |
|------------------|---|---|
| DATE: 06/24/2004 | EXHIBIT "B" APN 058-030-010 City of Lodi Water Well & Substation | CITY OF LODI |
| SCALE: 1:20 | | |
| 058-030-10.DWG | | Prepared by: Mark Thomas & Company, Inc. |
| SHEET 1 OF 1 | | |

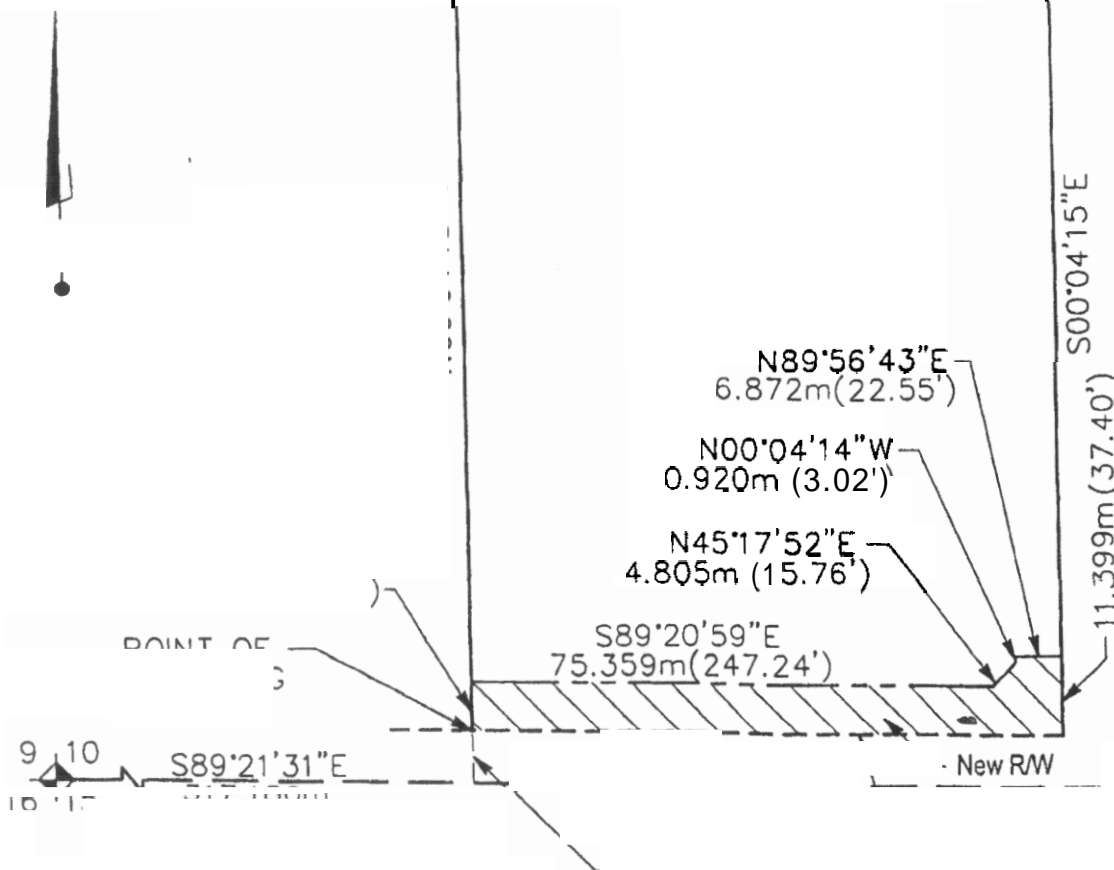
Prepared by:
Mark Thomas & Company, Inc.

Bearings and distances are on the California Coordinate System of 1983, Zone 3. Divide distances by 0.99995 to get ground distances. Multiply meters by 3937/1200 to get U.S. Survey feet.

SEC.10
T. 3 N., R. 6 E., M.D.B. & M.
San Joaquin County, California



APN 027-050-21

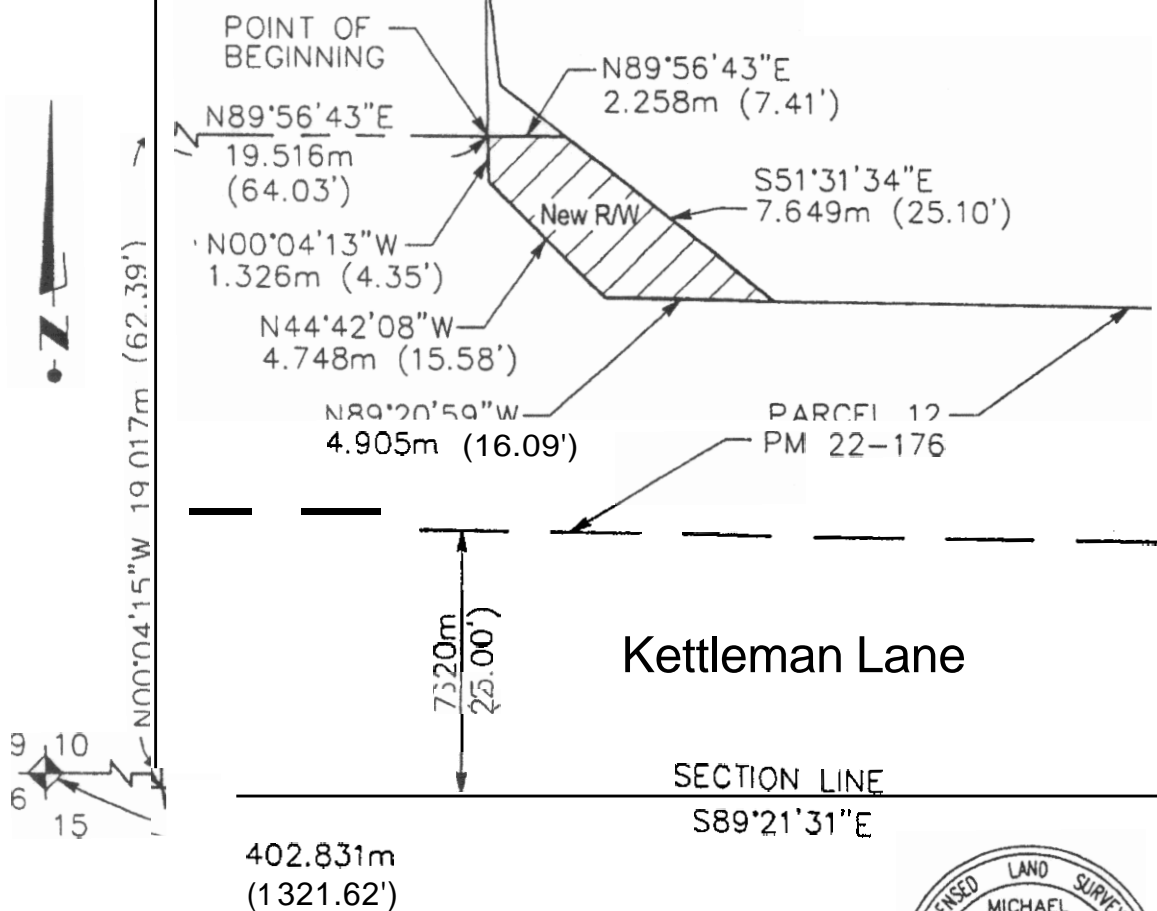


| | | |
|-----------------|---|--|
| DATE 06/23/2004 | EXHIBIT "B" APN 027-050-21 Mexican-American Catholic Federation of LOD | CITY OF LOD |
| SCALE 1:1000 | | |
| 027-050-21.DWG | | Prepared by: Mark Thomas & Company, Inc |
| SHEET 1 OF 1 | | |

Measurements and distances are in the California Coordinate System of 1983, Zone 3. Divide distances by 0.99995 to get ground distances, multiply meters by 3937/1200 to get U.S. Survey feet.

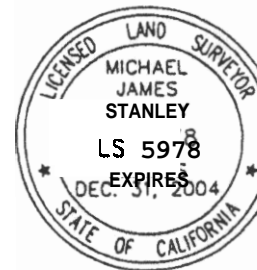
SEC. 10
T. 3 N., R. 6 E., M.D.B. & M.
City of Lodi
San Joaquin County, California

PARCEL 1
PM 22-176
APN 027-420-001



reas
TOTAL PARCEL 0.71± ha (1.76± ac)
± s.m. (205± s.f.)

± W A/W



DATE: 05/24/2004

SCALE: 1:20

027-050-23.DWG

SHEET 1 OF 1

EXHIBIT "B"
APN 027-420-001
GEWEKE FAMILY PARTNERSHIP

CITY OF LODI

Prepared by:
Mark Thomas & Company, Inc.



SECRET TO INITIATIVE PARCEL MAP NO 02P0008

